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COMMISSION ON HUMAN RIGHTS
Fifty-third session
Item 8 of the provisional agenda

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[28 February 1997]

GE.97-10831 (E)

1. The International Federation of Human Rights Leagues (FIDH) and its Northern Ireland affiliate, the Committee on the Administration of Justice (CAJ), are profoundly disturbed by the breakdown in the ceasefire by the IRA and the return to violence in Northern Ireland.

2. Issues of justice, rights and fairness are at the heart of the conflict. They must therefore be central to efforts to resolve it. Peace is only likely to flourish when everyone feels that their rights are respected and protected.

3. Accordingly, we urge prompt action to remedy a number of outstanding human rights concerns, many of which have been the subject of previous comment at the Human Rights Committee (1991 and 1995), the Committee against Torture (1991 and 1995), the Commission on Human Rights (1993, 1994 and 1996), the Sub-Commission on Prevention of Discrimination and Protection of Minorities (1992, 1993, 1994 and 1996) and the European Committee for the Prevention of Torture (1994), and have been the cause of adverse findings against the United Kingdom in the European Court of Human Rights (e.g. McCann, Murray, Brogan).

4. Regrettably the United Kingdom Government has failed to respond adequately to these concerns and indeed has on several occasions shown flagrant disregard for the findings of international bodies established for the protection of human rights.

5. The existence of paramilitary violence does not remove the United Kingdom's obligation to comply with the international standards to which it is bound. The satisfactory resolution of the conflict in Northern Ireland is impossible without clear and effective protection of human rights.

The rights of detainees and prisoners

6. The FIDH and the CAJ remain concerned about the emergency law regime which applies in Northern Ireland, with its significant restrictions on access to legal advice and the effective removal of the right to remain silent. In 1996 the European Court of Human Rights found that aspects of the detention regime violated the European Convention on Human Rights. One year on, the United Kingdom Government has not altered the law to comply with the judgement and in fact has renewed the offending legislation. Furthermore, the United Kingdom continues to derogate from the International Covenant on Civil and Political Rights and from the European Convention in respect of the powers which allow for seven-day detention without being brought before a court.

7. Particularly worrying are the continuing reports from detainees that police officers threaten and abuse lawyers via their clients in a manner entirely inconsistent with the United Nations Basic Principles on the Role of Lawyers. CAJ has received very recent and alarming reports of police officers making death threats and engaging in extreme personal abuse of a lawyer during interrogation of detainees. The death of defence lawyer, Patrick Finucane and the evidence of official collusion in his murder remain unresolved.

8. Following widespread concern among non-governmental organizations and the findings of bodies like the United Nations Committee against Torture, the

Government agreed to introduce silent video recording of interviews as a safeguard to prevent ill-treatment of detainees. While welcome, this measure has still not been introduced and will not protect detainees against verbal and psychological abuse.

9. The European Committee for the Prevention of Torture, following its special visit to Northern Ireland, concluded in 1994 that "persons arrested in Northern Ireland under the Prevention of Terrorism Act run a significant risk of psychological forms of ill-treatment during their detention at the holding centres and that on occasion, resort may be had by detective officers to forms of physical ill-treatment".

10. CAJ continues to receive complaints of psychological ill-treatment and occasional assault. We call upon the United Kingdom Government to reconsider its refusal to introduce audio recording for these interviews. Such a step would be in the interests of detainees and would serve to protect the police from any false accusations.

11. FIDH and CAJ are disturbed by the deterioration in the conditions for Irish republican prisoners held in prisons in Great Britain. This small group is being held in special secure units with a highly restricted and punitive regime. Independent medical experts have attested to the deterioration in their physical and mental well-being as a result of being held in these conditions. FIDH and CAJ would urge that prompt steps be taken to secure their well-being and in particular that their requests to be transferred to prisons in the Republic of Ireland and Northern Ireland in order to serve their sentences near their families be granted.

12. The case of Roisin McAliskey, a young woman being held in Holloway prison in England awaiting extradition to Germany to face criminal charges, is a cause of concern to FIDH and CAJ. She is in the advanced stages of pregnancy with a number of serious health problems which are exacerbated by the conditions under which she is being held. She has been subjected to strip searches, denied adequate access to medical treatment, exercise, fresh air and association with other prisoners, and was for a time detained in an all-male prison. Independent medical experts have attested to the serious dangers to the safety of her unborn child but the authorities have refused bail in her case. Her situation has been the focus of an Amnesty International urgent action urging the granting of bail to Ms. McAliskey.

Concerns about the right to life and the rule of law

13. Twenty-five years ago 13 unarmed demonstrators were shot dead in Derry in Northern Ireland by British soldiers. Fifteen other people were wounded and one subsequently died. The events became known as Bloody Sunday. Significant evidence has now come to light which shows that the original Tribunal of Inquiry into these events, chaired by Lord Widgery, was fundamentally flawed. In particular, it reveals that instead of investigating the truth, evidence was ignored and efforts were made to obscure the army's wrongdoing.

14. FIDH and CAJ call on the United Kingdom to establish a new and independent inquiry into the events of Bloody Sunday. Such a step is

necessary to establish the truth of what happened and remedy the injustice done to the deceased and their families. Moreover, redressing long-standing grievances could make a major contribution to building a lasting peace in Northern Ireland. In 1995, recognizing this fact, the United Nations Human Rights Committee called on the United Kingdom to take steps to resolve outstanding cases. Thus far the Government has failed to implement this recommendation. A new inquiry into Bloody Sunday would signal a willingness to do so.

15. The FIDH and CAJ are further concerned about the actions of the police and the Government in respect of their handling of controversial marches in Northern Ireland and associated major public disturbances. The summer of 1996 saw a disturbing collapse in the rule of law when those meant to uphold the law were seen to give way to the use and threat of violent disorder.

16. Of special concern to CAJ and FIDH was the fact that in excess of 6,000 plastic bullets were fired by the police and army in the space of a week. The scale of their use was virtually unprecedented in the history of Northern Ireland and led to numerous injuries, many of a very serious nature. On the basis of accounts from our own team of observers and statements which were made to us a disturbing pattern has emerged which includes the deliberate firing of plastic bullets at young people leaving discos and fast food outlets. Concerns have also centred around the lack of an adequate explanation for the significant disparity in the use of plastic bullets against Protestant and Catholic crowds. A total of 6,002 plastic bullets were fired between 7 July and 14 July. Some 5,340 were fired during predominantly nationalist unrest and 662 were fired during predominantly unionist unrest. The FIDH and CAJ's evidence shows that those using plastic bullets regularly appear to breach the guidelines established for their use. An official report produced by Her Majesty's Inspectorate of Constabulary has highlighted serious deficiencies in police practice governing the use of plastic bullets. The FIDH and CAJ submit that rubber and plastic bullets, which have not been used in situations of public disorder in Great Britain and which have killed 17 people, more than half of them children in Northern Ireland are not an acceptable form of crowd control.

17. The Government's response to the summer's events has been entirely unsatisfactory. It has decided to delay implementing the recommendations of an inquiry which it established into the marching problem. As a result of this delay we are concerned that this summer will see a repeat of last summer's violence.

Conclusion

18. The FIDH and the CAJ respectfully request the Commission to urge the United Kingdom to comply fully with its international obligations. Effective protection and respect for human rights are crucial to a just and lasting settlement of the Northern Ireland conflict and could provide a firm basis on which to build a new peace process.

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COMMISSION ON HUMAN RIGHTS
Fifty-third session
Item 10 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[28 February 1997]

1. The International Federation of Human Rights Leagues (FIDH) and its affiliate, the Chadian Human Rights League (LTDH), remain deeply concerned at the persistence and deterioration of a situation of serious, large-scale and systematic violations of human rights in Chad.

Context

2. Concerned at the general situation of human rights in Chad, but encouraged by the imminent completion of the transition to a democracy, the Commission on Human Rights decided at its fifty-second session to grant the Chadian authorities a grace period according to concurring sources. The Chadian authorities were to use that grace period to take concrete steps to end the human rights violations and pursue the electoral process.

3. As 1996 draws to a close, it is clear that, far from having improved, the situation is one of serious, large-scale and systematic violations of human rights and that these violations are a basic component of the Chadian

regime. There are three principal features to the general situation in Chad: clannism, impunity and insecurity. The members of President Déby's clan (the Zaghawas) have monopolized all the posts of responsibility in the administration and army. Their monopolization of power, together with the complete impunity enjoyed by these men, is aggravating the civilian population's perception of the Government and the inter-ethnic tensions throughout the country. The failure of the Franceville round table and the Government's authoritarian and clannish practices ruled out any possibility of national reconciliation for the time being. The civilian population lives in constant insecurity, caught between the harassment of both the armed opposition forces and the security forces. Furthermore, the Chadian Government has taken no concrete measures to improve the situation of economic, social and cultural rights. Young people continue to be unemployed, there is still flagrant discrimination in access to education and primary education is neither mandatory nor free.

Human rights situation

4. Violations of civil and political liberties. Freedom of assembly and freedom of association continue to be flouted in Chad. Human rights associations are constantly being threatened, intimidated and subjected to violations of their physical integrity, which prevents them from freely performing their jobs. More seriously, they were threatened with suspension by the Minister of the Interior following the first round of the presidential elections, for "taking highly political stances".

5. The elections organized during this year (presidential elections on 2 June and 3 July, legislative elections on 6 January and 23 February 1997) were prepared and conducted in violation of the right to free elections. The civic information campaigns planned by the human rights associations were prohibited. During the presidential elections, the polling stations were often staffed by members of the party in power, and some members of the opposition were arbitrarily arrested. The elections as a whole were heavily manipulated to the benefit of Colonel Déby, who was elected in the second round with 68.32 per cent of the votes. These violations are an affront to the Chadian people, and unacceptable.

6. The right to a fair trial is still non-existent in Chad. The judicial system is unable to enforce the legal order, for three main reasons. First, it has very few material means available. Next, the people who pass through that system lack all confidence in its decisions. Finally, and above all, the system is not independent. The authorities systematically intervene, either to obtain impunity for someone close to the Government, or to have an opposition member convicted.

7. Violations of the right to life and physical integrity. The Chadian people are living in permanent insecurity that hampers their freedom of movement. Chadians not only fear encountering highwaymen on the open roads, but official road blocks placed at the town exits to exact ransoms in cash or in kind. The continuing civil war frequently forces civilian populations to leave their regions of origin to escape the fighting, occasionally at the order of the authorities.

8. Despite the existence of a legal framework regulating conditions for arrest and police custody, arbitrary arrests and detentions continue to be routinely practised. They occur in three types of situations: business disputes or thefts, operations against the rebel forces and the opposition and in the context of presidential elections. They are, in addition, often accompanied by cruel, inhuman or degrading treatment.

9. Torture and cruel, inhuman or degrading treatment continue to be practised on a flagrant and large-scale basis and with complete impunity. Human rights associations accuse various members of the public authorities, and to a lesser extent, the rebel armed forces. These acts of torture take several forms: beatings with sticks, mock executions, introduction of water into the nostrils, hammering of nails into the head, and the <u>artabachar</u> (torture consisting of tying the victim's arms and legs behind him, causing severe pain).

10. There has been an alarming upsurge of rapes in recent months. Rape, which is comparable to an act of torture, is practised by both the rebel forces and the governmental forces in an effort to intimidate, humiliate and dominate. Those responsible for this human rights violation take no account of their victims' age. Thus a girl of 13 was raped in Kélo, Tanjilé prefecture, on 4 September 1996. The desire to humiliate is always carried to the extreme. Rapists have been known to force their victims' husbands to perform the same acts, in public. These acts have terrible physical, psychological and social consequences for the victims and those close to them.

11. Extrajudicial summary executions became even more extensive in 1996, a damning situation for the Chadian authorities. In a telegram dated 14 November 1996, the Specialized Units Command issued orders for no proceedings whatsoever to be taken against thieves. "On catching a thief in the act, proceed immediately to physically eliminate him." When explanations were demanded by human rights associations, the Head of State and his Prime Minister openly acknowledged giving firm instructions for thieves to be summarily executed, on the ground that "the justice system is powerless and corrupt". The consequences have been tragic. Extrajudicial executions have continually increased since then. The security forces operate in the market places or after nightfall. They arrest one or more suspects and proceed to eliminate them immediately. Thus, on 30 January 1997, Adam Godi, accused of stealing a carpet, was bound and thrown into the Chari river with two cell-mates. He miraculously survived. On other occasions, such executions are orchestrated by representatives of the political, administrative and judicial authorities. On 24 December 1996 in Fiaga, Myo Kebbi sub-prefecture, nine criminals were brought before the sub-prefecture authorities and the public. The justice of the peace read out articles 161, 162 and 163 of the Penal Code, after which the detainees were executed in public and their bodies left out until nightfall.

<u>Conclusion</u>

12. Serious, gross and systematic human rights violations are taking place in Chad, and the Chadian authorities at the highest level are responsible on more than one account. They have not taken the concrete measures needed for any substantial improvement in the situation. What is more, they have forced

Chad backwards towards more and more arbitrariness and barbarity, disregarding their commitments towards the Chadian population and the international community.

13. FIDH and its affiliate, LTDH, consider that this tragic situation makes it urgent for the international community to react to put an end to these gross and large-scale violations of human rights. They call on the Commission to initiate a public procedure in conformity with its commitment of last year, and to appoint a special rapporteur on the situation of human rights in Chad, to report to it at its fifty-fourth session.